In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-42553 of 2007

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Date of decision:30.8.2007

Balraj Singh

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Vikas Chaudhary, Assistant Advocate General, Haryana for the respondent-State.

.....

S.S. Saron, J.

Heard learned counsel for the parties.

The petitioner seeks pre-arrest bail in a case registered against him for the offences under Sections 419, 420, 170 and 120-B IPC at Police Station Sadar, District Hisar.

The FIR has been registered on the basis of Ruqa (memo) sent by ASI Om Parkash. It is alleged that on 21.7.2007 ASI Om Parkash along with HC Puran Chand in a Government vehicle driven by Dharamvir Singh, EHC were present at Bus Stand for patrolling. A secret information was received that Sadhu Ram son of Mange Ram Jag (non-petitioner) and Balraj Singh (petitioner) were on duty on Haryana Roadways Bus No.HR 39A-8406. They in connivance with their employees and oficials had been getting the job of Conductor performed by one Mahender son of Ram

Chander. The bus was running between Hisar to Bhadra and it was about to come to Hisar side. If a raid was carried out the person impersonating as Conductor Kuldip could be apprehended. The bus in question after some time was seen coming from Hisar side. It was signalled to stop by ASI Om Parkash. The person having cash bag, bundle of tickets in hand, a whistle and a punch was questioned. He told his name as Balraj, Conductor. However, after intensive questioning he gave his name as Mahender son of Ram Chander. He could not produce any evidence of his posting as Conductor. Accordingly, a case was registered against Mahender Singh, Driver Sadhu Ram and Conductor Balraj (petitioner) on account of impersonation of the Conductor.

Learned counsel for the petitioner submits that the petitioner is innocent and in any case no offence under Sections 419 and 420 IPC are made out. The said offences have been applied to make the offences non-bailable. It is submitted that there was no complaint against him by any passenger of misappropriation. The passengers were found to have been issued tickets. Several other employees had verified that the petitioner was working on the bus in question at the relevant time. The bus was also checked by the flying squad of Haryana Roadways on 18.7.2007, 19.7.2007 and 20.,7.2007. At the time of checking the petitioner was found as Conductor in the bus in question. A reference has been made to the report (Annexure-P.1) submitted by the Flying Staff. It is submitted that Mahender Singh, who is alleged to be impersonating, has not been arrested. The petitioner has been found working on the bus. A reference has been made to the report dated 21.7.2007 (Annexure-P.2).

In response, learned counsel for the State has submitted on

record copy of memo dated 29.8.2007 from the S.H.O., Police Station Sadar, Hisar. In the said memo it is also submitted that the averments made in Annexures-P.1 to P.3 are totally wrong. against the true facts and no date has been mentioned in these documents. The said documents, it is alleged, have been prepared at a later date by the officials/officers of the Haryana Roadways only to save themselves from departmental proceedings which could be initiated against them being concerned officers/officials connected with the petitioner. The said documents, it is submitted, have been prepared in connivance with each other by the officials of the Department concerned and the petitioner in self-defence.

Learned counsel for the State has submitted that the allegations against the petitioner are serious. It may be noted that the person who was impersonating himself as Conductor in the Haryana Roadways, was apprehended at the spot at the time of raid and he disclosed his correct name as Mahender Singh. A perusal of the order dated 7.8.2007 (Annexure-P.4) would show that the co-accused had been arrested under Section 170 IPC. Therefore, contention of the learned counsel for the petitioner that the co-accused has not been arrested is without basis. Even a perusal of the documents Annexures-P.1 and P.3 would show that they have been prepared on white paper without any number. The date of 21.7.2007 has been put on Annexure-P.2. However, there is date on Annexures-P.1 and P.3. It would be inappropriate to comment on the same at this stage and these would be considered and gone into during the trial of the case.

In the afore-noticed circumstances, no ground for anticipatory bail is made out. Consequently, the criminal miscellaneous petition is dismissed.

August 30, 2007. **(S.S. Saron)**
Judge

hsp

NOTE: Whether to be referred to the Reporter or not:No